

VZCZCXRO0783
OO RUEHBI
DE RUEHLM #1117 3431224
ZNY CCCCC ZZH
O 081224Z DEC 08
FM AMEMBASSY COLOMBO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9035
INFO RUEHKA/AMEMBASSY DHAKA 1182
RUEHIL/AMEMBASSY ISLAMABAD 8182
RUEHKT/AMEMBASSY KATHMANDU 6398
RUEHLO/AMEMBASSY LONDON 4614
RUEHNE/AMEMBASSY NEW DELHI 2452
RUEHNY/AMEMBASSY OSLO 4570
RUEHKO/AMEMBASSY TOKYO 3676
RUEHCG/AMCONSUL CHENNAI 8828
RUEHBI/AMCONSUL MUMBAI 6213
RUEHON/AMCONSUL TORONTO 0797
RUEHBS/USEU BRUSSELS
RHHMUNA/HQ USPACOM HONOLULU HI
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC

C O N F I D E N T I A L COLOMBO 001117

SIPDIS

DEPARTMENT FOR SCA INS AND DRL/NESCA

E.O. 12958: DECL: 10/09/2018

TAGS: [PHUM](#) [PGOV](#) [PREL](#) [TERAA](#) [CE](#)

SUBJECT: SRI LANKA: TRIAL OF JOURNALIST ON TERRORISM
CONTINUES AFTER CONFESSION IS RULED ADMISSIBLE

REF: A) COLOMBO 280 B) COLOMBO 686 C) COLOMBO 767 D)
COLOMBO 801 E) COLOMBO 815 F) COLOMBO 1049

Classified By: Ambassador Robert O. Blake, Jr. for reasons
1.4 (b) and (d).

11. (U) The inquiry to determine whether the confession of journalist J.S. Tissainayagam was voluntary or forced was held on December 5 at the High Court of Colombo before High Court Judge Deepali Wijesundera. The court ruled that it was voluntary. The future direction of this high-profile case rested on the decision, as the confession of Tissainayagam could be used against him only if it was found to be voluntary. Tissainayagam's lawyers have argued that the confession was obtained under duress and that the officer who took the statement has conceded that errors were made in the recording of the statement. The trial will continue on December 18.

12. (C) Civil society activists contend that Tissainayagam is the first Sri Lankan journalist to be charged under the Prevention of Terrorism Act in its 30 years of existence. As reported in ref (a), Tissainayagam's supporters allege that President Rajapaksa personally instructed Judge Wijesundera to resolve the case soon and in my best interest.⁸ They allege that Wijesundera was hand-picked for the case, outside the normal rotation, and is the sister of the prosecuting attorney who framed the charges.

13. (C) Comment: The decision to allow the confession, on which the prosecution will base the case against Tissainayagam, suggests the government will not be swayed by the high degree of international interest in the case. When DCM called Tissainayagam's wife after the December 5 ruling, she asked that the international community continue to advocate for his release after eight months of confinement. The Embassy will continue to press the government on the importance of a fair trial for Tissainayagam and will emphasize that the verdict and manner of reaching that verdict will be closely watched in the United States and elsewhere.

Blake